

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**CEASE AND DESIST ORDER NO. 98-90**

**Frank J. Konyn Dairy  
San Pasqual Valley, San Diego County**

The California Regional Water Quality Control Board, San Diego Region (hereinafter RWQCB), finds that:

1. The Frank Konyn Dairy discharges waste including manure and washwater from its dairy operation under waste discharge requirements contained in Order No. 95-10
2. The Frank Konyn Dairy has failed to submit a report demonstrating that discharges at the dairy are in compliance with Facility Design and Operation Specifications C.1, 2, 3, 4 and 5 of Order No. 95-10.
3. The Frank Konyn Dairy is violating Facility Design and Operation Specifications C.1, 2, 3, 4 and 5 and threatens to violate Prohibitions A.1, 2 and 3 and Discharge Specification B.1 of Order No. 95-10.
4. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, in accordance with Section 13301 of the California Water Code, Mr. Frank Konyn, owner of the Frank Konyn Dairy shall:

1. Cease and desist from violating and threatening to violate Order No. 95-10.
2. Submit a time schedule by October 30, 1998 detailing the critical activities and the dates for completing those activities in order to correct or prevent a violation of requirements by the deadlines specified in Directives 3 and 4 below.
3. Complete the following tasks by November 15, 1998:
  - a. Initiate construction of the retention ponds and/or drainage facilities.
  - b. Submit a report with supporting documentation that demonstrates the application of facility manure and wastewater to disposal fields:
    - i) Will be at rates which are reasonable for the crop, soil and climate;
    - ii) Will be managed to minimize percolation to the groundwater; and
    - iii) Will not result in surface runoff.
4. Complete the following tasks by September 30, 1999:

- a. Provide storage facilities to contain at least 60 days of milk barn washwater.
  - b. Provide retention facilities to contain runoff from corrals.
  - c. Install a containment dike around the perimeter of the manure storage area.
  - d. Provide facilities to divert surface drainage from outside of manured areas away from the manured areas.
  - e. Obtain certification by a registered civil engineer or USDA, Natural Resources Conservation Service, that the flood control channel dividing the east portion of the main corral meets 20-year peak flow requirements.
5. Submit a statement from a civil engineer, licensed by the State of California or a representative of USDA's Natural Resources Conservation Service, that the Frank Konyn Dairy has adequate facilities to comply with Order No. 95-10 by October 30, 1999.
6. Submit written status reports to the Regional Board Executive Officer, detailing work completed during the reporting period to achieve compliance with this CDO. The reports are due as shown below:

| Reporting Period               | Due Date           |
|--------------------------------|--------------------|
| Oct. 15, 1998 - Jan. 15, 1999  | January 31, 1999   |
| Jan. 16, 1999 - Apr. 15, 1999  | April 30, 1999     |
| Apr. 16, 1999 - July. 15, 1999 | July 31, 1999      |
| July 16, 1999 - Sep. 15, 1999  | September 30, 1999 |

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on October 14, 1998.

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John H. Robertus  
Executive Officer

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